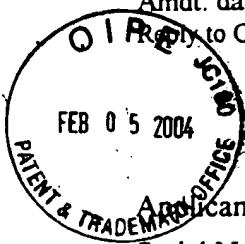


(copy)

Appl. No. 09/931,265  
Amdt. dated October 17, 2003  
Reply to Office action of May 19, 2003

BJA262A



**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant : W. Neuberger  
Serial No. : 09/931,265  
Filed : August 16, 2001  
For : METHOD AND SUBSTANCE FOR OBTAINING SURFACES WITH  
ANTIMICROBIAL PROPERTIES  
Examiner : Sean E. Conley  
Art Unit : 1744

\*\*\*\*\*  
I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail,  
No. EF230812462US, in an envelope addressed to: Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450  
on:

Date : October 17, 2003  
By : Bolesh J. Skutnik  
Signature : *[Handwritten Signature]*  
\*\*\*\*\*

**AMENDMENT**

Commissioner of Patents  
PO Box: 1450  
Alexandria, VA 22313-1450

Sir:

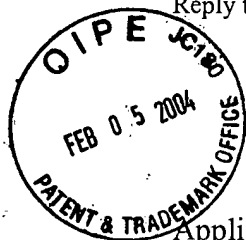
In response to the Office Action dated May 19, 2003, having a shortened three-month statutory period for response which expired August 19, 2003, we have attached a petition to extend the reply time. We request that you please accept the following remarks as to the above-identified patent application:

**Amendments to the Claims** are reflected in the listing of new claims which begins on page 2 of this paper.

**Remarks** begin on page 4 of this paper

09  
Appl. No. 10/931,265  
Corrected amdt. dated February 5, 2004  
Reply to Notice of Non-Compliant Amendment dated February 3, 2004

1744  
BJA262A



IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicant : W. Neuberger  
Serial No. : 10/931,265  
Filed : August 16, 2001  
For : METHOD AND SUBSTANCE FOR OBTAINING SURFACES WITH  
ANTIMICROBIAL PROPERTIES  
Examiner : Sean E. Conley  
Art Unit : 1744

\*\*\*\*\*  
I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail,  
No. ER689081137US, in an envelope addressed to: Mail Stop: Non-Fee Amendment, Commissioner of Patents, PO Box  
1450, Alexandria, VA 22313-1450 on:

Date : February 5, 2004  
By : Bolesh J. Skutnik  
Signature : *Bolesh J. Skutnik*

\*\*\*\*\*

REPLY TO "NOTICE OF NON-COMPLIANT AMENDMENT"

Mail Stop: Non-Fee Amendment  
Commissioner of Patents  
PO Box: 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment dated February 3, 2004 (a copy of which is attached), having a one-month statutory period for response which expires March 3, 2004, the following additional corrections have been made to the Reply to the Office Action dated May 19, 2003. A full replacement Office Action Reply, containing a corrected claims section, is enclosed.

In the "Amendments to the claims" section, claims 6-10 and 14 had improper status identifiers ("previously amended"). A replacement section is enclosed, providing the proper identifier ("previously presented") for each claim.

09  
Appl. No. 10/931,265

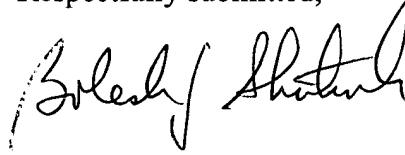
BJA262A

Corrected amdt. dated February 5, 2004

Reply to Notice of Non-Compliant Amendment dated February 3, 2004

With these changes and remarks, it is believed that the amendment is compliant with 37 CFR 1.121. Thank you.

Respectfully submitted,

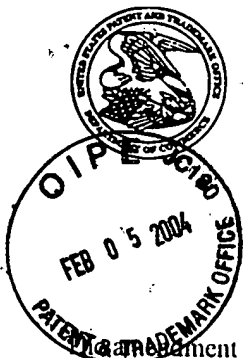


Dated: February 5, 2004

CeramOptec Industries, Inc.  
515 Shaker Road  
East Longmeadow, MA 01028  
Phone: (413) 525-8222

Bolesh J. Skutnik, PhD, JD  
Reg. No. 36,347  
Attorney for Applicants

Fax: (413) 525-0611



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

Amendment document filed on 11-17-03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: PREVIOUSLY AMENDED NOT STATUS IDENTIFIER

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Tywana Lovelace  
Legal Instruments Examiner (LIE)(571)272-1027  
Telephone No.